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March 26, 2020

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RE: COVID-19 and Anticipated Impacts Work and Schedule; Notice of Potential for Force Majeure

Dear Debbie:

As a result of the far-reaching impacts of the COVID-19 pandemic, including the likelihood that those impacts will extend to the Army Creek Landfill Superfund Site, I am writing to provide notice of the potential for a force majeure event under the terms of the operative agreements at the Site. Under Article XVII of the Army Creek Consent Decree, I am writing to provide information regarding those potential impacts, and I can supplement this as more information becomes available regarding the nature, scope, and duration of potential COVID-19 impacts.

Reasons for the potential delay: The COVID-19 pandemic has led multiple Federal, State, and local governments to impose mandates limiting travel and work in offices and groups. Some businesses have also imposed limits on employee activities. These various restrictions are anticipated to delay some elements of the work going forward, and particularly those that require field activities or meetings with agencies. These impacts in turn may delay preparation of some deliverables including the April 2020 Third Quarter Groundwater Sampling Event planned for week of April 13, 2020, PFAS Source Evaluation Report due end of July 2020 and Final Investigation Report and CSM Update due end of July 2020.

Anticipated duration of the delay: The anticipated duration of any delays that may occur is unknown and not possible to predict at this point.

Actions taken or to be taken to prevent or minimize delay: Despite the challenges posed by the COVID-19 impacts described above, the Army Creek Private Settlers will exercise best efforts to

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RE: COVID-19 and Anticipated Impacts Work and Schedule; Notice of Potential for Force
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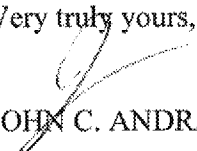
fulfill its obligations under the operative agreements, including using best efforts to anticipate any potential force majeure and best efforts to address the effects of any potential force majeure such that the delay and any adverse effects of the delay are minimized to the greatest extent possible. Such efforts are expected to include working remotely, expanded use of meetings via telephone and Web-based services, other forms of electronic communication, commencing the rescheduling of field work as soon as such work becomes feasible, and appropriately amended health & safety protocols in the field.

Schedule: Developing a new schedule is not yet appropriate, as the uncertainties are still too large. We will continue to monitor the situation and alert you of changes that will impact the schedule.

I note that we do not believe that the potential delays in work described above would cause or contribute to an endangerment to public health or welfare or the environment.

Please contact me if you have any questions or comments on this notice.

Very truly yours,



JOHN C. ANDRADE

JCA/man